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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,468	09/30/2003	Jeyhan Karaoguz	14309US02	5572
23446 7590 02/23/2010 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
RYAN, PATRICK A				
ART UNIT		PAPER NUMBER		
2427				
MAIL DATE		DELIVERY MODE		
02/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/675,468

Applicant(s)

KARAOGUZ ET AL.

Examiner

PATRICK A. RYAN

Art Unit

2427

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-40.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/P. A. R./
Examiner, Art Unit 2427

Continuation of 11.

Applicant presents, Amendment After Final of February 4, 2010 ("Reply") Pages 12-16, that the combination of Boston and Yen does not teach the Claim 1, 11, and 21 limitation of "automatically displaying, without user interaction and prior to viewing said received advertisement, a notification of said received advertisement on said television; [and] scheduling, based on input from a user provided after said displaying of said notification, said received advertisement for viewing on said television within said home" because "the tags/guides [of Yen] merely note, for example, products that are advertised on a broadcast show, but not a notification of a received advertisement itself (as opposed to the broadcast show), and certainly not scheduling of the received advertisement based on input from a user after display of the notification of the received advertisement" (Reply Page 15; with further reference to Yen Col. 7 Lines 41-55). The Examiner respectfully disagrees.

As previously presented in Final Office Action of November 23, 2009 ("Office Action") Page 4, Yen discloses that "foreground element 122 presents an indicator for the [information] item" (Col. 11 Lines 43-52), where an information item can indicate "which products are advertised or otherwise featured on a broadcast show or other information item" (Col. 7 Lines 29-39). It is the Examiner's position that Yen's teaching of presenting an indicator for the information item sufficiently addressed the claimed "notification of a received advertisement." Additionally, the Examiner has presented, Office Action Page 4, that Yen discloses "the foreground element 122 can add the information item to a set of information items from which the foreground element 122 engages the recipient to select" (Col. 11 Lines 32-35). It is the Examiner's position that the act of adding the information item to a set of information items is an act of scheduling.

Applicant additionally presents, Reply Pages 16-17, that the combination of Boston, Yen, and Oh does not teach the Claim 9, 19, and 29 limitation of "offering a reward for scheduling the advertisement for display within a personal advertisement channel displayed on said television" because "Oh merely discloses incentives for watching, as opposed to scheduling in a personal advertisement channel, advertisement content" (Reply Page 16 and Oh Paragraph [0054]). The Examiner respectfully disagrees.

In addition to the teachings of Boston and Yen, the Examiner has previously presented, Office Action Pages 7-8, that Oh allows a user to choose when to view advertisement content, such as "before the multimedia content(s) is(are) played" or "while the multimedia content(s) is(are) being played" or "after the multimedia content(s) is(are) played" and discounts the price of the multimedia content based on the user's choice (Paragraph [0054]). It is the Examiner's position that a user's selection of viewing advertisements "before", "while", or "after" the multimedia content is presented are acts of scheduling the advertisements and discounting the price of the multimedia, when one of these options is selected by the user, is an act of rewarding.

/PAR/